

Minutes - Police Diversity Board Meeting January 18, 2012, 6:00 p.m.

Attendees: Valentin Rodriguez - Chair  
Rafael Nunez - Board Member  
Elizabeth Briseno - Board Member  
John Kramer - Board Member  
Teresa Riquelme - Board Member  
Sunilda Tejada - Board Member  
Ámbar Muñoz - Alternate Board Member  
Nicholas Noel, III - Solicitor for the PDB

Absent: Yvonne Stroman - Secretary

Other Attendees: Chief William M. Heim  
Robert Kirwan, Esq. (proposed alternate counsel)

1. The meeting was called to order with a quorum being recognized by the Chair.

2. The Minutes of the November 9, 2011, meeting were approved as circulated (motion was Member Riquelme, seconded by Member Nunez, all in favor).

3(b). In order to accommodate representatives from ALTA Testing in Atlanta, Georgia, who were participating via telephone conference, the Board moved to that discussion with Manny Echevarria and Jennifer Steel to discuss observations of the first cycle of the bi-lingual test conducted in May 2011 and any possible modifications.

(a) Discussion focused on general proficiency verses police customization. Mr. Echevarria indicated that approximately 40% of the test questions (10 out of 22) did relate to police activities.

(b) Primary focus and discussion was on the type of Spanish being used in the test and that the Board had concerns that there could be dialectic issues creating problems for certain candidates. Mr. Echevarria indicated that based upon census data they had determined that Puerto Rican and Mexican lineage appeared to make up the majority of the population. Several Members of the Board believe that Dominican

ethnicity also makes up a large percentage of the Hispanic population. Mr. Echevarria indicated that attempts have been made to prepare a "standard" test as opposed to a pure "Castilian" Spanish. Member Riquelme indicated that she felt that much of the test sounded to have a South American dialectic, although Mr. Echevarria indicated that he did not think that pronunciation/cultural nuances were employed. He said that the basis for the test was primarily focused on "Spanish media outlets such as Univision which do take into account South America, Mexico and the Caribbean."

Some sample questions were reviewed. Member Briseno felt that there were some "weird" words that were repeated that many had difficulty in understanding. This was also agreed by Member Riquelme who indicated that the transcription portion contained a number of "weird words" and a discussion ensued over the type of characterization and definition of terminology being employed. Mr. Echevarria indicated that "map samples" are taken to standard proficiency scales based upon "Interagency Roundtable Scales" and updated by government agencies around the county, including many law enforcement entities. The standard employed in the test attempts to incorporate all Latin American, as well as Caribbean, ethnicity and Chair Rodriguez indicated that for the Reading area felt there should be a more Caribbean focus. Mr. Echevarria indicated that he would look into the demographic studies. Chief Heim offered that there was also been an increased in the Mexican population in the City, as well, and Ms. Steel did indicate that recent demography analysis confirmed that.

Discussion also centered on the transcription module that involved 825 words that are audibly transcribed from Spanish to Spanish. Mr. Echevarria read a sample of the transcription test and discussion ensued over the word "erupscion" meaning a "disturbance". This was an example of a cultural/dialectical difference between within the usage of Spanish.

Mr. Echevarria suggested that he would be sending the test for review by a linguist to see about any inconsistency and grammatical issues that were being noted by the Board Members. Ms. Steel indicated that the two (2) passages have two (2) different levels and Chair Rodriguez indicated that the literacy level for Spanish needs to be that of English. It was Ms. Steel's recollection that the training scenarios used in the test are in the possession of the City and the Solicitor will attempt to follow-up with the City to obtain those for review.

Member Riquelme noted that in her view there should be more Puerto Rican/Dominican and Caribbean dialectic focus; however, Mr. Echevarria indicated that there is not enough of a distinction between these different entities that can be

supported in such a language test. There was discussion that Mr. Echevarria would be sending the transcription passages at issue to me for review. Therefore, there was general consensus that while no other components appear to be needed as being added to the test there may need to be some slight revision or adjustment so as to avoid confusion vis-à-vis the dialectic issue.

(c) There was also brief discussion with regard to proctoring instructions and that there appeared to be some confusion by some candidates as to what was to be translated. Ms. Steel indicated that she would review the instructions that are sent to the proctor to make sure that matters are clarified. Some discussion ensued with regard to whether incorporating a real life scenario into the test would be possible and Mr. Echevarria indicated that "interpretation testing is not really capable of being performed." He did indicate that some type of practical scenario could be added into transcription; however to do this he would need to check with the City in terms of the contract with ALTA. This would have to be reviewed in terms of what type of cost would be involved to make such a substantial change to the test.

Chief Heim questioned as to what the "value added" would be for people taking the test who were not yet cops. In essence, testing the candidates on police jargon who had not yet become police officers would also not necessarily be fair. The question is testing their ability in Spanish as opposed to any police type of activity. However, there was some discussion that fairly basic interchanges that police officers would have with witnesses, victims etc. may be practical.

Mr. Echevarria indicated that a level 9 proficiency is required to pass the test which is a fairly high standard. Member Kramer indicated that the audio/aural skill seems to be most important for people to be able to understand accident and crime scene witnesses and people in domestic confrontation issues. Mr. Echevarria indicated that listening and comprehension through audio clips given to the candidate could be woven into such scenarios. Mr. Echevarria agreed to review the 2010 Agreement with the City to review whether the existing contract will cover this or whether a new contract or content is needed. He will be in touch with the Solicitor once that is determined. The conference call ended at 7:07 p.m.

[It is noted that Member Nunez had to excuse himself due to prior commitment at this time and did not participate in subsequent proceedings.]

3(a). At this point the Board reorganized for the 2012 year. Member Stroman, who has been Secretary of the Board since its inception, had requested, via an email, that someone else handle the corresponding secretary position due to her increased duties on the Reading Area School Board.

Nominations were then opened for Chair of the Board, at which time Member Tejada nominated Chair Rodriguez, which was seconded by Member Riquelme. The Board voted 4-0 in favor. Chair Rodriguez abstained from voting.

Vice Chair of the Board was then selected with Chair Rodriguez nominating Member Briseno, seconded by Member Tejada, the Board voting 4-0 in favor, Member Briseno abstaining.

Corresponding Secretary Ámbar Muñoz was nominated by the Chair, seconded by Member Briseno as Corresponding Secretary. The Board voted 5-0. It is noted that Ms. Muñoz, as an alternate for the Board, and does not have a vote in proceedings but nothing should preclude her from acting as Secretary since she is interested in performing that function. Moreover, there had been no objections lodged to her application that had been previously approved back in November of 2011 to become the alternate with no other candidates having been mentioned by either the PSLC or the City.

3(c). Attorney Robert Kirwan was introduced by the Chair as proposed alternate counsel pursuant to Paragraph 5 of the Settlement Agreement. This position has been vacant since the creation of the Board. Chair Rodriguez indicating that over the years he has mentioned this issue to several attorneys in the Reading area and constantly had difficulty getting anyone who was able to and/or interested in the position. However, he finally was referred to Mr. Kirwan who has expressed an interest and discussed his background with the Board. Kirwan is primarily involved in criminal defense work, although he also does some other civil litigation work. He did not have a curriculum vitae with him, but promised to provide one, shortly, so that his credentials can be submitted to both the City and the PSLC, since they have final approval on such an appointment. Therefore, pending approval by the parties, motion to approval was made by Member Briseno, seconded by Member Riquelme - all in favor 5-0.

4. Reports - the Chair discussed the fact that the Board has faced numerous issues over the past six (6) years and yet the percentage of Hispanics on the Reading Police Department has regressed from 9.7% in 2004 to a current 7.4%. The population of

Reading in 1990 was 36% Hispanic and in 2010 census 57%. He says that the Board needs to think about different ways to approach these problems to be included in the next quarterly report to the Court. Member Kramer responded that he felt that while the overall percentage is a disappointment that we also need to look deeper into what has happened over the past several years. Indeed, since the Board's activity has begun, the number of applicants taking the police civil service test have increased dramatically - over 100%. Unfortunately, we face a large drop off between those who actually pass the civil service exam, but then either do not even appear for or fail the physical agility test. There needs to be steps taken to follow-up with those who have passed the written exam as to making sure that they follow-up to take the physical agility, as well as prepare themselves for it. Efforts are being made at the present time with Albright College to see that facilities might be made available to those candidates who pass the civil service exam for the purpose of getting themselves in shape for the physical agility exam.

Chief Heim indicated that the criteria for the physical agility exam is not that onerous and that most people sitting in the room that evening should be able to pass it. The Chief indicated that 24-new hires have just been placed onto the Department with 4-Hispanics representing a 15% allocation of that new class. This is at least a step in the right direction and is also in part due to the positive effect of the bi-lingual bonus points. It is noted that Mr. Ayala, the City's Diversity Officer, was going to be following up on trying to track down the reasons people were not appearing for the physical agility test but no report has ever been received from Mr. Ayala on that matter. Ms. Muñoz indicated that while a student at Reading Area Community College she felt there was actual dissuasion at time for any students who expressed an interest to go into police work due to the "negative" aspects of the job. Chief Heim indicated that the Department does recruit at both RACC and other colleges and recognizes the need to increased involvement. Chief also reported that he would be updating the seniority list based upon the new attendees. He noted that the Department in the last two (2) years has lost 76-officers either through retirement or leaving for other positions. Twenty-three (23) officers were lost in 2010 and 53 in 2011.

The Solicitor indicated that he would be following up with Attorney Stephen Price - counsel for the Civil Service in order to obtain the updated demographics from the latest round of testing. Discussion engaged over the ability to get the names of those who passed the test for follow-up and this would possibly run amuck with regard to confidentiality issues, which needs to be discussed with Attorney Price. The Chief indicated that when the candidate passes the exam (which was given in December) they are told when the physical agility exam will be taken as well as the expectations.

(a) Job Description - the Solicitor reported that formal approval needs to be undertaken of the Police Diversity Officer Job Description. It had been previously circulated with only one minor addition from Member Kramer. No one else expressed any other changes, therefore, unless any changes are submitted to the Solicitor by Monday, the final description will be circulated to everyone as approved by the Board.

(b) Significant discussion then ensued with regard to the vacancy of the PDO and that fact that only Criminal Investigator Carrisquillo of the Department appears to be the only candidate now before the Board. Mr. Johnny Diaz who met with the Board last summer has not responded to letters sent to him with regard to any continued interest. Discussion focused primarily on concerns raised at the last meeting by Chief Heim that by hiring a civilian to handle this function would likely invite an unfair labor practice charge from the FOP since the prior PDO was a uniformed officer. The Solicitor had previously circulated to the Board Members a legal memo regarding these concerns. Based upon discussion, it was determined that the Solicitor will contact the Solicitor for the FOP to inquire, informally, as to whether there would be any objection by the FOP to a civilian occupying this position which would be viewed as a part-time position involving anywhere from 10 to 20 hours a week.

At the same time, there was discussion over the fluency requirement contained in the Settlement Agreement under Paragraph 20 and concerns expressed by several Members of the Board that Mr. Carrisquillo did not exhibit fluency based upon their meeting with him last fall. The Board, therefore, voted on motion by Member Briseno and seconded by Member Tejada, that testing of Mr. Carrisquillo be undertaken by ALTA in order to establish Mr. Carrisquillo's fluency. Prior communication with Mr. Echevarria at ALTA indicated that such a test can be established within one to two day's notice and that the Solicitor would contact Mr. Echevarria to arrange that with Sgt. Spotts of the Department. If Mr. Carrisquillo passes the bi-lingual test, then he will become the new PDO, as already approved by the prior motion of the Board, and in light of Mr. Diaz's lack of interest. In the event Mr. Carrisquillo does not show sufficient fluency, then the Board is left either with getting another candidate from the Department or considering a civilian for the part-time position. However, selecting a civilian could be inviting a legal confrontation with the FOP which needs to be clarified as discussed above. Therefore, both tracks of activity will occur with, hopefully, the scheduling of Mr. Carrisquillo's bi-lingual examination and a confirmation from the FOP Solicitor as to whether there would be any anticipated problem with the FOP if the part-time position were offered to a civilian.

4(d). Chief Heim reported that the latest civil service test had very promising results. He also indicated that a minority update will be provided as of January 16 concerning the demographic breakdown based upon the new hiring of 24-officers. The Chief also indicated that he would, again, make further inquiry of other officers in the Department regarding the PDO. While some discussion was made that perhaps one of the new Hispanics being hired might be interested, he indicated that having such a new officer involved in that position would not be a good idea, at this time, as they are trying to assimilate into the job and already being burdened with learning that job. He did note, however, that of the 4-Hispanics that have been hired, two (2) are Latinas which is a first for the Department.

6. No members of the public were presented for comment.

7. The Board then discussed the next meeting, which will be scheduled for Thursday, April 5, 2012, at 6:00 p.m. at the Penn Room, pending availability. Secretary Muñoz will follow-up with Mr. Geffkin's office to confirm room availability. Meeting adjourned at 8:50 p.m.

Respectfully submitted,

NOEL, KOVACS & McGUIRE, P.C.

s/ Nicholas Noel, III

By: \_\_\_\_\_  
Nicholas Noel, III

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